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PATENT

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January 26, 2005
Date

Steve Cunningham
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mark SELBY

Confirmation No.: 5235

Serial No.: 10/715,665

Group Art Unit: 1648

Filing Date: November 17, 2003

Examiner: Z. Lucas

Title: HBV/HCV VIRUS-LIKE PARTICLE

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement dated November 30, 2004 for which a response was initially due by December 30, 2004. Accordingly applicants request an extension of time in which to respond. A check to cover the required fee is attached.

The Examiner required election of one of the following groups of claims:

Group I, claims 1-21 and 46-61, directed to VLPs comprising HBsAg and at least one chimeric HBsAg fused to an HCV immunogenic polypeptide;

Group II, claims 22-25, drawn to a fusion protein comprising an HBsAg S domain and an HCV E1 polypeptide;

Group III, claims 26-29, drawn to a fusion protein comprising an HBsAg S domain and an HCV E2 polypeptide;

Group IV, claims 30-69, 77 and 78, directed to nucleic acid encoding a fusion protein comprising an HBsAg S domain and an HCV E polypeptide¹;

Group V, claims 70 and 71, drawn to methods of producing VLPs; and

Group VI, claims 72-75, directed to methods of producing cell lines that produce HBsAg VLPs.


In response to the restriction requirement, applicants elect Group IV, without traverse. Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

Please direct all further written communications in this application to:

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Respectfully submitted,

Date: 1/26/05

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¹ Applicants note claims 46-61 were included in both Groups I and IV. These claims are directed to immunogenic compositions comprising VLPs as recited in Group I. Applicants therefore assume that the Group IV claims are actually claims 30-45, 62-69, 77 and 78.